

Docket No.: 56301P5007

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

PETER C. ZHU, ET AL.

Application No.: 10/769,598

Filed: January 30, 2004

For: GERMICIDAL COMPOSITIONS CONTAINING
PHENYLMALONALDEHYDE-TYPE COMPOUNDS, OR
MIXTURES OF PHENYLMALONALDEHYDE-TYPE
COMPOUNDS AND PHTHALALDEHYDES, AND
METHODS OF USING SUCH COMPOSITIONS FOR
DISINFECTION OR STERILIZATION

Art Group: Not yet assigned

Examiner: Not yet assigned

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with the duty of disclosure, enclosed is a copy of IDS Citation Form PTO/SB/08 or PTO-1449, together with copies of the documents cited on that form, except for copies not required to be submitted (e.g., copies of U.S. patents and U.S. published patent applications need not be enclosed for applications filed after June 30, 2003). This IDS and IDS Citation Form are being submitted before the mailing of a first Office Action. It is respectfully requested that the cited references be considered and that the enclosed copy of PTO/SB/08 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

The submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made in the subject application and is not to be construed as an admission that the information cited in this statement is material to patentability.

Please charge any fees due to Deposit Account 02-2666. A duplicate copy of the Fee Transmittal (PTO/SB/17) is enclosed for this purpose.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 10-28-04

Brent E. Vecchia
Brent E. Vecchia, Reg. No. 48,011, Reg. No.

12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025
Telephone: (303) 740-1980

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Krista Mathieson October 28, 2004
Krista Mathieson *Date*



US Department of Commerce Patent and Trademark Office Form PTO-1449 (Modified)				Atty. Docket No.: 056301.P5007		Application No.: 10/769,598	
				Applicant: Peter C. Zhu, et al.			
				Filing Date: January 30, 2004			
US Patent Documents							
Examiner's Initials		Date	Document Number	Name	Class	Sub- Class	Filing Date
		01/09/62	3,016,328	Pepper et al.			
		10/14/75	3,912,450	Boucher			
		07/06/76	3,968,248	Boucher			
		07/06/76	3,968,250	Boucher			
		03/13/84	4,436,754	Jacobs			
		06/03/86	4,592,892	Ueno et al.			
		09/01/87	4,690,772	Tell et al.			
		05/16/89	4,831,449	Kimura			
		07/11/89	4,847,304	Bruckner et al.			
		07/25/89	4,851,449	Bruckner et al.			
		11/20/90	4,971,999	Bruckner et al.			
		7/7/1992	5,128,051	Theis et al.			
		03/09/93	5,192,459	Tell et al.			
		02/14/95	5,389,685	Smith et al.			
		02/27/96	5,494,637	Barlow			
		07/30/96	5,540,326	Arnold et al.			
		09/24/96	5,558,841	Nakagawa et al.			
		10/22/96	5,567,385	Miller et al.			
		12/23/97	5,700,377	Cox			
		06/02/98	5,761,069	Weber et al.			
		01/26/99	5,863,547	Miner			
Foreign Patent Documents							
Examiner's Initials		Date	Document Number	Country	Class	Sub- Class	Translation
Other Documents (Including Author, Title, Date, Pertinent Pages, etc.)							
Examiner				Date Considered			

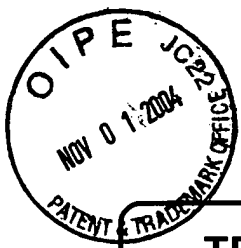
Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw a line through the citation if not in conformance and not considered. Include a copy of this form with the next communication to the applicant

US Department of Commerce Patent and Trademark Office Form PTO-1449 (Modified)			Atty. Docket No.: 056301.P5007		Application No.: 10/769,598		
			Applicant: Peter C. Zhu, et al.				
			Filing Date: January 30, 2004				
US Patent Documents							
Examiner's Initials		Date	Document Number	Name	Class	Sub- Class	Filing Date
		08/10/99	5,936,001	Block			
		06/06/00	6,071,972	Block			
		06/27/00	6,080,789	Lutz			
		10/02/01	6,297,285	Lutz			
		10/30/01	6,309,658	Xia et al.			
		10/01/02	6,458,554	Hui et al.			
		10/10/95	DES. 363,019	Arnold et al.			
Foreign Patent Documents							
Examiner's Initials		Date	Document Number	Country	Class	Sub- Class	Translation
		11/11/97	11-140010	JAPAN			Yes
Other Documents (Including Author, Title, Date, Pertinent Pages, etc.)							
		CIDEX® OPA, High Level Disinfecting Solution, Technical Info. Advanced Sterilization Products® , © 2004. Pgs. 1-4.					
		CIDEX® OPA Solution, And Speed Has Its Advantages! © ASP© 2001, 1 pg.					
		CIDEX® OPA SOLUTION Retrieved on 8/7/2003; Retrieved online at:					
		http://www.cidex.com/products_&_services/cidex/cidex_opa/index.asp . Pgs 1-2.					
		E.G.M. Power & A.D. Russell; "Sporicidal action of alkaline glutaraldehyde: factors influencing activity and a comparison with other aldehydes"; Journal of Applied Bacteriology 1990,69, pgs. 261-268.					
		Jose-Luis Sagripanti and Aylin Bonifacino; Food Biological Contaminants; "Effects of Salt and Serum on the Sporocidal Activity of Liquid Disinfectants"; Journal of AQAC International, Vol. 80, No. 6, 1997; pgs. 1198 - 1207.					
Examiner				Date Considered			

Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw a line through the citation if not in conformance and not considered. Include a copy of this form with the next communication to the applicant

US Department of Commerce Patent and Trademark Office Form PTO-1449 (Modified)			Atty. Docket No.: 056301.P5007		Application No.: 10/769,598	
			Applicant: Peter C. Zhu, et al.			
			Filing Date: January 30, 2004			
US Patent Documents						
Examiner's Initials		Date	Document Number	Name	Class	Sub- Class
Foreign Patent Documents						
Examiner's Initials		Date	Document Number	Country	Class	Sub- Class
Other Documents (Including Author, Title, Date, Pertinent Pages, etc.)						
		Hiroshi KURONUMA, Journal of Japanese Society of Hospital Pharmacists, Vol. 36, No. 1, 2000. In Japanese; translation of introduction. "Stability of Ortho-Phthalaldehyde Solutions under Various Storage Conditions". Pgs. 55-58				
		B. Setlow, et al.; "Mechanisms of killing spores of Bacillus subtilis by acid, alkali and ethanol"; Journal of Applied Microbiology 2002, 92, pgs. 362-375.				
		Anthony C. H. Durham; "A Survey of Readily Available Chelators for Buffering Calcium ION Concentrations in Physiological Solutions", Cell Calcium 4: pgs. 33-46, 1983.				
		S.D. Rubbo, et al.; (Symposium of Chemical Disinfection: Paper VIII); "Biocidal Activities of Glutaraldehyde and Related Compounds", 1967, J. Appl. Bact. 30(1) pgs. 78-				
		Mislow et al., Optical Resolution of 1, 2, 5, 6-Dibenzocyclooctatetraene derivative. Journal of the American Chemical Society, vol 84, 1962 p3591-3592. August 3, 1962.				
Examiner			Date Considered			

Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw a line through the citation if not in conformance and not considered. Include a copy of this form with the next communication to the applicant



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application No.	10/769,598
Filing Date	January 30, 2004
First Named Inventor	Peter C. Zhu
Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket Number	56301P5007
Total Number of Pages in This Submission	8

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<div>Copies of eleven (11) of the cited references, the First Class Certificate of Mailing and a stamped return postcard.</div>
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input checked="" type="checkbox"/> PTO/SB/08		
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Basic Filing Fee		
<input type="checkbox"/> Declaration/POA		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

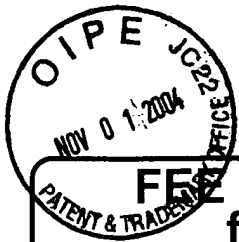
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011, Reg. No. 48,011 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	<i>Brent E. Vecchia</i>
Date	OCT. 28, 2004

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name	Krista Mathieson	Date	October 28, 2004
Signature	<i>Krista Mathieson</i>		



FEE TRANSMITTAL for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT

(\$)

Complete if Known

Application Number	10/769,598
Filing Date	January 30, 2004
First Named Inventor	Peter C. Zhu
Examiner Name	Not yet assigned
Art Unit	Not yet
Attorney Docket No.	56301P5007

METHOD OF PAYMENT (check all that apply)

- ☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit
Account
Number

02-2666

Deposit
Account
Name

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES

Total Claims - 20* = X =
Independent Claims - 3 = X =
Multiple Dependent

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple Dependent claim, if not paid	
1204	88	2204	44	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$)	

*or number previously paid, if greater, For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1404	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Brent E. Vecchia, Reg. No. 48,011

Registration No.
(Attorney/Agent)

48,011

Telephone

(303) 740-1980

Signature

Brent E. Vecchia

Date

10-28-04



FEE TRANSMITTAL for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	10/769,598
Filing Date	January 30, 2004
First Named Inventor	Peter C. Zhu
Examiner Name	Not yet assigned
Art Unit	Not yet
Attorney Docket No.	56301P5007

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number

02-2666

Deposit Account Name

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES

Total Claims - 20* = X =
Independent Claims - 3 = X =
Multiple Dependent =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple Dependent claim, if not paid	
1204	88	2204	44	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$)	

*or number previously paid, if greater. For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1404	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) Brent E. Vecchia, Reg. No. 48,011

Registration No. (Attorney/Agent)

48,011

Telephone

(303) 740-1980

Signature

Brent E. Vecchia

Date

10-28-04